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 - 2. Attitude toward individuals.
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- B. Differences.
 - 1. Profit motive.
 - 2. "Humanitarian" appeal of communism.
 - 3. Absence of racist doctrine in early Communist development.
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- VII. Moral issue of communism.
 - A. The end justifies the means.
 - B. The use of purges.
 - C. Opportunism.
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- IX. Historical developments.
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 - 1. In Europe.
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 - X. Current Communist aims.
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MUTUAL SECURITY APPROPRIATIONS, 1960

The Senate resumed the consideration of the bill (H.R. 8385) making appropriations for mutual security and related agencies for the fiscal year ending June 30, 1960, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I see the Senator from Virginia [Mr. ROBERTSON] on the floor and the chairman of the Committee on Appropriation [Mr. HAYDEN] on the floor. I understand that the Robertson amendment is acceptable to the chairman of the committee. If we can have a vote on that amendment, I would like to have that taken now.

Mr. DIRKSEN. Mr. President, I should like to say a word or two on the amendment.

Mr. JOHNSON of Texas. Mr. President, I withdraw my request for the moment.

I yield to the Senator from Illinois. The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIRKSEN. Mr. President, I understand the chairman of the Appropriations Committee [Mr. HAYDEN] will accept the amendment and take it to conference. Certainly, I shall not resist that, but I believe there are one or

two observations that ought to be made for the purpose of the RECORD.

In the first place, the escape, if it can be called an escape, from the impact of this proposal is either for ICA to furnish the information or for the President to certify that to do so would not be in the public interest.

It certainly imposes an administrative burden. I sometimes believe we are a little careless about the type of burdens we impose. Among the words in the amendment are words such as "call for documents," "call for reports," and "call for communications." Now communications can be cablegrams, they can be letters, they can be interchanges between the heads of States that might be involved. In every case, of course, there has to be a determination as to whether or not disclosure of them would be in the public interest.

Then there is a residual clause. It says "or other material." That is a pretty expansive phrase. When one talks about data, records, statistics, reports, communications, and other material, I would say the request which might be made would make the sky the limit.

We ought to remember, also, who can request them. It states any authorized committee or subcommittee. The Foreign Relations Committee of the Senate would be authorized. Any subcommittee of the Senate Foreign Relations Committee would be authorized. The Foreign Affairs Committee of the House, or a subcommittee thereof, would be authorized. The Armed Services Committee, in my judgment, because of the military assistance involved, would be authorized. Likewise, the Armed Services Committee of the House would be authorized. The Appropriations Committee of the House would be authorized. The Appropriations Committee of the Senate would be authorized. The Government Operations Committee, under the rule, has the broadest kind of jurisdiction, and it has authority, in my judgment, to investigate in this field. That statement would apply to the comparable committee on the House side.

So there are eight committees and appropriate subcommittees that may call for data, statistics, reports, communications, or other material. Obviously, when that is applied to titles 2, 3, and 4, which relate to development loans, technical cooperation, and special assistance, that is a pretty big burden.

Finally comes the biggest burden of all. To have a certification of the President there is a requirement that he must certify that to disclose the information would not be in the public interest. When these requests go to the White House, that becomes a very, very considerable chore.

I think the language has been recast to come within what I regard the constitutional prerogatives of both the legislative branch and the executive branch, but I want the RECORD to show that here we are imposing a tremendous burden when we say to the Chief Executive, "You make a finding relating to a request of any one of the eight committees or subcommittees of the House and

Senate and the General Accounting Office as to whether complying with that request for documents, communications, or other material is in the public interest."

That goes pretty far. I think we might have contrived a little better language. Certainly, this is an improvement over the language in the bill in the first instance. My belief is that what was carried in the first place was very definitely an invasion of the prerogatives of the President of the United States, and could not constitutionally stand up.

So, with that much of a record, I shall be agreeable if the amendment goes to conference, and I honestly hope—and I express my hope to the very able Chairman of the Appropriations Committee—that this matter will receive fine scrutiny by the conference committee.

Mr. JAVITS. Mr. President, will the Senator yield to me at that point for just a moment? I, too, would like to state that I shall vote against the amendment, notwithstanding my great respect for my own committee chairman. The only reason I mention this is that it may have some influence upon the discussions at the conference. I believe it will be found that if this amendment is retained in the law it will be less possible to get what the committees wish to get in questioning Government witnesses. I think Government witnesses will more and more seek the refuge available under this procedure and be far less apt, in the give and take of getting information, at which the Congress is just as adept as the Executive, to give the information. A procedure is made available to them in which they can have ready recourse to refuse to give information, and leave the decision to the President.

Finally, it may result in making available information to people who are not very friendly to us, which might be disadvantageous to us. We know, as a matter of practice, that when one says "No" to a certain document, that answer is just as informative as if the document had been revealed. Therefore, I shall regretfully vote against the amendment.

Mr. HENNINGS subsequently said: Mr. President, I should like to say a few words, which have been better said by others, on the same subject, a subject about which I feel very strongly. At this time I should like to strongly support the amendment of the distinguished and learned junior Senator from Virginia [Mr. ROBERTSON] to House bill 8385, the mutual security appropriation bill.

As I stated before the Senate Appropriations Committee during its consideration of this bill, the work of the Constitutional Rights Subcommittee, of which I have the privilege of being chairman, has demonstrated conclusively that the so-called "Executive privilege" has been used on a number of occasions in recent years as authority to withhold information from Congress, and this use—perhaps I might better say misuse—of the so-called "Executive privilege" doctrine has been growing at an accelerating rate.

Apparently encouraged by the Attorney General, who has expounded a doc-

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trine of "Executive privilege" without limitations, officials in the executive branch on almost every level of authority have invoked this so-called "Executive privilege" doctrine to withhold practically every type of information imaginable from the Congress.

One of the most recent instances in which the Attorney General's extreme doctrine on "Executive privilege" has been invoked and defended by an executive agency occurred when on May 5, 1959 the Acting Director of the International Cooperation Agency appeared before the Constitutional Rights Subcommittee, over which I happened to be presiding at the time, and undertook to explain why his agency refused to give certain evaluation reports requested by the General Accounting Office. The Acting Director of ICA took the position that despite the specific language of section 313 of the Budget and Accounting Act of 1921, providing that all departments shall furnish the Comptroller General such information as he may from time to time require of them, and specifically giving the Comptroller General and his assistants the right to have access to and examine any books, documents, papers, or records of such department, ICA did not have to furnish the General Accounting Office with the evaluation reports in question. He cited the Attorney General's so-called doctrine of "Executive privilege" as his authority for so defying the Congress.

In addition, he had the consummate effrontery—and his words and actions can only be described in this fashion—to say that if ICA really wanted to apply the "Executive privilege" doctrine, GAO would not see one single thing that might be demanded of him or his agency by that office.

Mr. President, as I have stated before, Congress cannot allow this position to stand unchallenged, and I wish to say that the distinguished junior Senator from Virginia, a man who is scholarly, and learned and who believes in the separation-of-powers doctrine, who believes in the three coordinate branches of our Government, has rendered to Congress and to this country a signal and outstanding service in offering this amendment. We are all greatly in his debt. The issue we face here is not whether the President's constitutional powers are being invaded or infringed, but how long we here in the Congress are going to permit our constitutional powers to be invaded, stripped, and usurped by this fallacious, nonsensical doctrine as expounded by the Attorney General.

Congress already has acted to resolve this issue by incorporating in the Mutual Security Act three provisions requiring the production of documents, records, reports and other information pertaining to the administration of foreign aid.

It might not be amiss to mention at this point that when we considered and adopted those provisions just a few weeks ago, none of us seemed to be bothered by questions about the constitutionality of our action. The reason for this was patently simple.

We were merely doing what constitutionally we had every right to do.

In furtherance of this action, the House of Representatives has incorporated in the mutual security appropriations bill, an amendment cutting off mutual security funds 20 days following any unfulfilled request by the General Accounting Office or appropriate congressional committees for documents and records pertaining to the administration of the mutual security program.

The purpose of this amendment was simple enough. It was to enforce and put into action and being what had already been done by Congress. Once these steps were taken, the Congress started down a path from which, as a practical matter, there should be no retreat. We should not budge an inch. For the Senate not to put teeth into the requirements of disclosure now contained in the Mutual Security Act, and to eliminate completely the enforcement amendment placed in the appropriations bill by the House of Representatives, will enable executive departments and agencies in the future to cite this failure to act as an endorsement by the Senate of the Attorney General's doctrine, and by the same token the ICA's interpretation of that doctrine. In other words, by backing down now, we not only will fail to act to preserve our constitutional legislative powers and duties, but we will supply would-be censors in the executive branch with additional authority for their wrongful acts so that they can tell us what we may see and what we may not see.

Of course I do not refer to matters affecting the national security, matters which are classified as top secret. That is not the question at all.

Mr. President, I do not speak lightly when I say that in my opinion the continuing and growing misuse of the so-called executive privilege doctrine represents one of the most serious constitutional issues this Nation now faces. If bit by bit the Congress allows the executive branch of our Government to have complete and unfettered control as to what information the Congress may receive about the operations of the executive branch, the carefully created and established balance of power among the three coordinate branches of our Government, as provided by the Constitution, will be destroyed, and we shall someday be faced with an executive branch utterly beyond control, without let, without hindrance. All they will have to do is say, "We invoke the executive privilege," a phrase which comes so easily and flits so very lightly upon their tongues.

Mr. President, I fully supported the amendment to the Mutual Security Appropriations Act made without a dissenting vote by the House of Representatives. However, since this provision was not included in the bill reported by the Senate Appropriations Committee, I strongly support the amendment offered by the learned and scholarly junior Senator from Virginia.

Mr. ROBERTSON. Mr. President, I wish to express my thanks to the senior

Senator from Missouri for his very fine contribution to the argument and for his compliment to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. ROBERTSON], for himself and the Senator from Louisiana [Mr. ELLENDER], and the Senator from Minnesota [Mr. HUMPHREY], as modified.

The amendment, as modified, was agreed to.

MR. SALTONSTALL. Mr. President, I should like to ask the majority leader a question with relation to section 112, which was language offered by him and which has been incorporated in the bill. This section will assure that the Congress is kept fully and adequately informed of the manner in which the administration plans to use the funds provided by the Congress for the mutual security program. Section 112(a) provides that within 60 days following date of enactment of the Appropriation Act the President shall give the Appropriations Committees a report containing a full and complete revision of the data presented to such committees in justification of appropriations requested for the mutual security program for the fiscal year 1960. The section says that this report shall show any changes in such program approved subsequent to such presentation, including changes necessary to reflect actual appropriations for the program.

It is possible to interpret the requirements for a full and complete revision of the data presented to such committees in justification of the appropriations requested as calling for a revision of every page and every word presented to the committees. I am sure the Senator's amendment does not really intend any such exercise. It would seem to me that the purpose of the Senator's amendment is the entirely proper one of requiring the executive branch to inform the Congress how it intends to use the funds finally appropriated by the Congress. Do I understand correctly therefore that what the Senator's amendment is intended to do is to require the executive branch to make a report to the Congress within 60 days setting out plainly the revisions in the program levels which the executive branch plans in using the funds made available under the appropriation act as finally passed and the principal changes in each program as they are worked out by the executive branch, rather than every word and every page of the program justification?

I was asking that question of the majority leader. When that question was answered, with the courtesy of the Senator from New York, I was going to ask a question of the Senator from Virginia.

Mr. JOHNSON of Texas. As I understand the question of the Senator from Massachusetts, his understanding is correct. There is no desire on the committee's part to overwhelm the Congress with a lot of unnecessary, inconsequential detail. As we all know, after the appropriation bill is passed, the executive branch always revises the programs originally presented to the Con-

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gress in the light of the appropriations we have passed.

Six to eight months will have elapsed since the programs were first presented to the budget, and they have gone through the House and the Senate, and lots of things are changed in that time. In addition, the programs have to be revised to reflect the funds actually appropriated. We fully recognize that it may not be possible or even desirable for the executive branch to reprogram all of the appropriated funds in detail within 60 days. However, by that time, the executive branch certainly should have made decisions as to the major program elements. We want the Congress to be fully informed as to the changes that have been made. As additional details are worked out, I would expect them to be passed along to the Congress, so the Congress will always be kept currently and fully advised about the program.

Generally speaking, I would say, if I understand the statement made by the distinguished Senator from Massachusetts, his understanding of the purpose of the amendment is correct.

Mr. SALTONSTALL. I thank the Senator. Mr. President, I should like to ask the chairman of the Appropriations Committee a question with relation to section 111 of the bill, and if he agrees with me, I have a statement to make to the Senator from Virginia [Mr. ROBERTSON] who is interested in that section.

The reason for my question is that I would like to make a motion to strike out section 111.

Section 111 relates to an employee "who has left employment with International Cooperation Administration within 2 years from the date of employment with said person, organization, company, or concern or any of its affiliates."

I have talked with the Representative from Louisiana [Mr. PASSMAN], who managed this bill and he has agreed that the amendment goes much further than he believes it should go.

Under the language as it is included in this bill, an elevator boy, for example, who had been working for the ICA would be prevented from accepting employment specified in the amendment.

If the Senator from Arizona [Mr. HAYDEN] and the Senator from Virginia [Mr. ROBERTSON] agree, I should like to offer an amendment, and if the amendment is accepted, to strike out this language so the section will go to conference, and we can rewrite the section in conference in a way which will be agreeable to the House and to the Senate.

Mr. BYRD of Virginia. I think it is highly desirable that the entire paragraph go to conference.

Mr. ROBERTSON. Mr. President, the attention of the junior Senator from Virginia has been directed to the very restrictive provisions in the House bill which prohibited employment for a period of 2 years of anyone who had previously been employed by ICA and he, at the suggestion of the Director of the ICA, thought he would ease that restriction a bit by rewording of the language so that it would not apply to non-profit organizations. Now he under-

stands, in a way, the amendment makes the original one more difficult than ever.

Since the chairman of the House subcommittee who will handle this section in conference would prefer that we remove the House language completely and then to send it to a conference, the Senator from Virginia has no objection to the request of the Senator from Massachusetts to eliminate this section.

Mr. SALTONSTALL. I thank the Senator. I move to strike out Section 111.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. CLARK. I would like to express my concurrence in the views stated by the Senator from Massachusetts that this section is entirely too broad. It would be quite unworkable, and would be unfair to corporations dealing with the Government.

Mr. JOHNSON of Texas. Mr. President, the distinguished chairman of the Foreign Relations Committee assured me he would move to strike out section 111, and so I am glad the Senator from Massachusetts has made that motion.

Mr. SALTONSTALL. I should be glad to have the majority leader make the motion.

Mr. JOHNSON of Texas. I merely wanted the Senator from Massachusetts [Mr. SALTONSTALL] to know he was supported in his position by the Committee on Foreign Relations. He had intended to make that motion himself.

The PRESIDING OFFICER. The question is on the motion of the Senator from Massachusetts to strike out section 111.

The motion was agreed to.

Mr. MUSKIE. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment submitted by the Senator from Maine will be stated.

The CHIEF CLERK. On page 19, after line 12, it is proposed to insert:

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

For expenses necessary for the Advisory Commission on Intergovernmental Relations, \$100,000: *Provided*, That this appropriation shall be effective only upon the enactment into law of H.R. 6904.

Mr. HAYDEN. Mr. President, I have conferred with the members of the committee; and we accept the amendment.

Mr. MUSKIE. I thank the Senator from Arizona.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS—
CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6904) to establish an Advisory Commission on Intergovernmental Relations. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read, for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MUSKIE. Mr. President, the report is unanimous; it is signed by all the managers on the part of both the House and the Senate.

Mr. President, I ask unanimous consent to have printed in the Record, the statement, contained in the report of the managers on the part of the House explaining the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

(For statement by the managers on the part of the House, explaining the conference report, see House proceedings of today.)

Mr. KEATING. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I am happy to yield.

Mr. KEATING. Does the conference report call for a substantial change?

Mr. MUSKIE. The only change is in the county representation. The conference report calls for a decrease from four to three in the county representation provided in the Senate version of the bill; and the conference report calls for an increase from two to three in the county representation called for by the House version of the bill. In other words, the conference report provides for a compromise at three.

Mr. KEATING. I thank the Senator from Maine.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

Mr. MUSKIE. Mr. President, I move that the vote by which the report was agreed to be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

PREMIER KHRUSHCHEV'S VISIT

Mr. RANDOLPH. Mr. President, yesterday I mailed a letter to Premier Nikita Khrushchev. My message was one of, perhaps, hundreds which will be sent to Mr. Khrushchev following an invitation published in Parade magazine on last Sunday. Parade editors suggested that it would be appropriate for citizens of the United States to write to Mr. Khrushchev. Parade further indicated that the communications would be delivered to the Soviet spokesman at the Russian Embassy in Washington, D.C., shortly after his arrival in the National Capital.

Mr. President, I was so moved by the appealing article in the form of a letter to Mr. Khrushchev in Parade that I was impelled, because of the request and the manner in which it was couched, to comply with the proposal that men and women set down the thoughts they would voice to the Communist leader if